THE TREND IN FOOD AND DRUG LEGISLATION

A radio talk by W. G. Campbell, Chief, Federal Food and Drug Administration, delivered through WRC and 44 other associate NBC radio stations in the National Farm and Home Hour, Monday, December 7, 1931.

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Officials who enforce the Federal food and drugs act have, since the passage of this measure, considered their most vital concern to be the protection of the public health and pocketbook through checking the sale of unwholesome, adulterated, or misbranded foods, and of impure, worthless, or misbranded drugs and medicines. I take it that this was the purpose of Congress when it passed the bill twenty-five years ago, and -- since I have made a life work of helping to enforce the pure food law -- I know that this purpose has not changed.

My annual report of the activities of the Food and Drug Administration in enforcing the Federal pure food law during the past fiscal year is a record which is available to any citizen of the United States. This report contains facts and figures dealing with the past year's work and speaks for itself. The report shows -- in its review of offenses under the law during the year -- that there is still a great need for that law. The character of offenses naturally has changed -- they are no longer so spectacular as in the early days of the law's enforcement -- but violations are constantly occurring, demanding regulatory action on the part of the Food and Drug Administration and the courts. The fact that approximately 1500 legal actions were terminated during the past fiscal year is evidence that there is a definite necessity for close supervision of traffic in foods and drugs. The American consumer, who pays the cost of enforcement, has a right to know what the enforcing agency is doing, (and has done), with his money. I propose to tell you just that -- as graphically as I can within the limited time I am allowed.

It was just 25 years ago last June when President Roosevelt signed the Federal food and drugs act, more popularly known as the pure food law. That law was designed (first) to insure the purity of foods and drugs and (second) to protect consumers from economic fraud. Many of you will remember, as I remember, that there was an urgent need for a law which would do those things. The fact that an average of nearly one thousand legal actions have been taken, under that law, in each year of its existence, proves that the dishonest or unscrupulous manufacturer has not completely disappeared from the American scene -- and is not likely to. We find such manufacturer's present-offenses perhaps more difficult to control than were those of his predecessor. The Food and Drug Administration is constantly faced with the task of detecting unusual and difficult forms of adulteration. The amazing growth of the food and drug-manufacturing industry during 25 years of the law's enforcement has taxed to the utmost the ingenuity and energy of enforcing officials.

During the past fiscal year -- as in previous years -- officials of the Food and Drug Administration have had to be constantly on the alert to check such illegal offenses as:

The shipment in interstate commerce of impure or misbranded drugs and

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pharmaceuticals designed for the treatment of serious diseases of human beings --

The shipment in interstate commerce of unwholesome or decomposed foods --

The shipment in interstate commerce of food commodities mislabeled as to their true character, the sale of which would definitely cheat the consumer --

The shipment in interstate commerce of worthless or misbranded stock remedies upon which the farmer might unwisely rely in the treatment of diseases of his farm livestock.

These offenses involved attempts to sell on the American market such goods as fruits and vegetables containing a residue of poisonous spray -- decomposed poultry and fish -- patent medicines bearing curative claims which were false and fraudulent -- improperly processed foods -- and similar food and drug products, the sale of which would threaten the health of the consumer or defraud him of his money.

You will note that I have in each instance used the words "interstate commerce" or "interstate shipments." Some of you may not know that the Federal food and drugs act has no jurisdiction whatsoever over foods and drugs manufactured and sold within the boundaries of a single State. This lack of jurisdiction does not make it possible for us to proceed against every manufacturer guilty of the production and sale of adulterated or misbranded foods and drugs.

I do not wish to trouble you with too many figures, but I think it is fair to indicate, with statistics, something of the extent of regulatory operations under the law during the past fiscal year. Through that period, the Food and Drug Administration collected and analyzed nearly 32,000 samples of foods and drugs. It began legal action in 1500 cases involving domestic traffic in violation of the law, and inspected samples representing 10,531 importations of foods and drugs. Approximately 36% of such shipments were detained at ports of entry because of some form of adulteration or misbranding, or both.

I wish it were possible for me to say that the American market has been wholly freed of adulterated and misbranded foods and drugs and that honesty and fair dealing are the universal rule in the food and drug industries. There is a commendably large proportion of our manufacturers who deal honestly and squarely with the public but, while human nature remains what it is, the adulterator and misbrander will continue to keep us sufficiently busy. Then, too, the limitations of the law itself -- not fully understood by the public -- are such as to make it impossible to reach by legal means many unethical practices of undoubted damage to consumers. There are unethical practices in the food and drug-manufacturing industries which, unfortunately, are not illegal and thus are beyond our control. For example, the food and drugs act does not control false advertising. The law applies, in its misbranding sections, wholly to statements made upon or within the package in which the product is shipped interstate. Advertising claims, no matter how false, if made through the media of billboards, magazines, newspapers, radio or the like, are beyond the reach of the Federal food and drugs act. I believe it would pay the discriminating consumer, then, to compare the label claims, controlled by the food and drugs act, with the frequently exaggerated claims made in some form of advertising. Prudence indicates that the purchaser be guided by the more conservative label claims.

Another weakness of the law is that, at the present time, it does not give enforcing officials regulatory control over food containers insufficiently filled. At present, it does not constitute a violation to market an incompletely filled package, yet such packages are distinctly deceptive since a purchaser has a right to assume that they are completely filled with the food they purport to contain. During the coming session of Congress, we shall urge again the adoption of the so-called "slack-fill bill" which will impose upon manufacturers the obligation of filling containers of food products completely.

Time does not permit me even briefly to outline a number of important recommendations we intend to put before Congress in the near future. The food and drugs act, in common with other laws, is not perfect. I have stated that we propose certain remedies for some of its imperfections. My annual report indicates the nature and the reason for these measures. Those pages are open to the public eye. Anyone who is interested may study the recommendations contained in it -- as well as the evidences of work done, and in progress. A free copy of the report may be had by writing the Federal Food and Drug Administration, Washington, D. C. I want to emphasize that we are recommending amendments which will provide for heavier penalties for violations of the act and for the removal of an apparent "joker" in the law which gives exemption, under some conditions, in the marketing of substandard and adulterated products.

The protection of the American consumer is, and always has been, the objective of the food and drugs act and of the agency which is charged with its enforcement. The public in general has shown its interest in, and approval of, enforcement of this law. The effectiveness of enforcement is some evidence of this public interest, inasmuch as the law would automatically become a dead letter were public support for it to disappear. The law was passed for the benefit of the people -- has been enforced for their benefit -- and the public alone has the power to decide whether or not the statute shall continue to be enforced. The amendments we propose will have the virtue of increasing the benefits accruing to the public. Such amendments will be enacted -- if they have definite public support.

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